

Mayor Mary Cooper called the meeting to order at 7:00 p.m. Also present were Councilmembers Ed Sisson, Robert Jurca, Guy Pfalzgraff and Bill Seuell, along with City Manager Joe Kerby and City Attorney Mike Schottelkotte. A meeting notice was posted in the south window at City Hall at least twenty-four hours prior to the meeting.

**Pledge of Allegiance**

The Mayor led everyone present in the Pledge of Allegiance.

**Changes to the Agenda**

There were none.

**Minutes**

It was moved by Councilmember Jurca and seconded by Councilmember Sisson to approve the minutes of the September 21, 2010 regular meeting as submitted by the Clerk. All in favor, motion carried.

**Citizen Comments**

There were none.

**Financial Report**

Finance Director Tod DeZeeuw presented Council with the financial report for the period ending September 30, 2010.

City Manager Joe Kerby stated that there have been discussions regarding the benefits of this monthly report. He suggested that staff present this report on a quarterly basis, which would allow more information to be presented at those times.

There was discussion among Council concerning whether they wish the report to be presented monthly or quarterly.

There was a consensus among Council to have a written report attached to Council's weekly report once a month, with Mr. DeZeeuw presenting a verbal report quarterly.

The City Attorney stated that he will look at the Charter to make sure this action will not violate any financial reporting requirements.

**Public Hearing: Special Events Permit Application; Altrusa International, Inc. of Delta, CO Foundation**

The Mayor closed the regular meeting and convened a public hearing.

The Clerk explained that Altrusa has submitted an application for a Special Events Permit liquor license for their annual fundraising event to be held on November 19 and 20, 2010, at Bill Heddles Recreation Center. The application is complete and all fees have been paid. She also explained that a sign was posted as required by law notifying the public of this hearing and there have been no comments submitted to her office.

The Mayor called for public comment. When there was none, she closed the public hearing and reconvened the regular meeting.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to approve the special events liquor permit application for Altrusa International Inc. of Delta, Colorado Foundation on November 19 and 20, 2010 at Bill Heddles Recreation Center. All in favor, motion carried.

**Regular Meeting, Delta City Council, October 19, 2010 (Cont.)**

**Hotel/Restaurant Liquor License Renewal for Fiesta Vallarta**

The Clerk reported that Fiesta Vallarta has submitted their renewal application for their Hotel/Restaurant Liquor License. She stated that the application is complete and all fees have been paid. The Police Department has recommended renewal.

It was moved by Councilmember Sisson and seconded by Councilmember Jurca to approve the Hotel/Restaurant liquor license for Fiesta Vallarta. All in favor, motion carried.

**Parade and Street Closure Permit: Parade of Lights**

The Clerk stated that Delta Area Chamber of Commerce has submitted an application for a parade and street closure permit for the Parade of Lights. She also stated that the application is complete and all requirements have been met. The application did have a correction on the route to reflect the parade will go from 9<sup>th</sup> Street to 2<sup>nd</sup> Street.

It was moved by Councilmember Jurca and seconded by Councilmember Pfalzgraff to approve the parade and street closure permit for the Parade of Lights. All in favor, motion carried.

**FORE Alliance Memorandum of Understanding**

City Manager Joe Kerby introduced Abby Vanderquist, Community Energy Coordinator for FORE Alliance.

Ms. Vanderquist noted that the MOU before Council tonight is a renewal of the 2009 MOU.

At Council's request, Ms. Vanderquist gave a brief history of FORE Alliance, which was organized by Montrose County, City of Montrose, Delta County, City of Delta, Delta Montrose Electric, SourceGas, and San Miguel Power to promote and develop strategies for energy efficiency.

Councilmember Pfalzgraff explained that FORE Alliance and Ms. Vanderquist had been instrumental in implementing the CFL program, introduced to Council at an earlier Council meeting. FORE Alliance is an excellent source of information regarding a number of energy related issues in the region. He encouraged Council to consider continuing the process.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to authorize the Mayor to sign the Memorandum of Understanding with the Fore Alliance as presented. All in favor, motion carried.

**263 Main Street Commercial Condominiums**

Community Development Director Glen Black reported that applicant Brian Mason has requested approval of a minor subdivision for the Mason Realty building at 263 Main Street, the former location of ACE Hardware. The property is zoned B-1. The applicant proposes to divide the property into three units to be sold to individual owners. Unit 1 is currently occupied by Mr. Mason's real estate firm and Unit 2 is a dentist's office. Unit 3 would be available for lease or sale.

Mr. Black stated that the Planning Commission reviewed the request at their meeting on October 4, 2010, and recommended approval subject to the following staff recommendations:

1. Regarding plat redlines, all corrections must be made, particularly those changing all certifications to standard City of Delta Certifications.
2. Minor corrections to the Declaration of Covenants and addition of language concerning utility bills to cover the entire condominium – 4.8 on page 13.
3. Per City Code §13.04.040.B.1.b, all condominiums are required to pay an additional charge of \$1,500 per unit after the first unit served by City water from a single tap.
4. Per City Code §13.04.040.C.1.b.ii, all condominiums are required to pay an additional charge of \$2,600 per unit after the first unit served by a single tap [City Sewer].
5. Per City Code §16.04.070.G, either a Payment in Lieu of Parks in the amount of \$1,203 per unit created must be paid, or a plat note prohibiting residences must be shown.
6. There must be a code review by a licensed architect showing building code compliance for life safety issues.

**Regular Meeting, Delta City Council, October 19, 2010 (Cont.)**

**263 Main Street Commercial Condominiums (Cont.)**

7. The development must comply with all City of Delta requirements and other regulatory/permitting agency requirements.
8. Final plat approval shall expire if all requirements are not met within 90 days of approval.

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to approve the 263 Main Street Commercial Condominiums subject to staff recommendations. All in favor, motion carried.

**Purchase of 13 Magnum Weight Machines**

Culture and Recreation Director Wilma Erven explained that staff had requested bids for weight machines for the 2011 budget. In the process, the City was offered a set of eleven machines which were 14 months old for \$25,000. When staff notified low bidder KOS Fitness Products that the City would be purchasing the used equipment in 2010, KOS offered thirteen new Magnum machines for \$32,690, which includes delivery, installation, and full warranties. Ms. Erven explained that the Magnum weight machines are top of the line equipment, retailing at around \$50,000.

Director Erven went on to explain that the Rec Center's 2010 budget has unexpended funds that can be used for this unbudgeted purchase and still keep the Center under budget for 2010. In addition, the existing eleven machines can be sold for about \$10,00, which could be used to further reduce the amount expended on the new machines.

It was moved by Councilmember Sisson and seconded by Councilmember Seuell to approve the purchase of thirteen Magnum weight machines from KOS Fitness Products for \$32,690. All in favor, motion carried.

**City Attorney Comments**

City Attorney Schottelkotte reported that Section 79 of the City Charter requires the Finance Director to submit a monthly financial statement to Council through the City Manager. The City Attorney advised that providing monthly reports via the weekly emailed report would satisfy this Charter requirement.

City Manager Kerby suggested that the monthly financial reports could be posted on the website for the public's information. Council agreed.

**City Manager Comments**

The City Manager reported on the following items:

- Mr. Kerby had attended the Rocky Mountain Program the previous week. He noted that it was among the best leadership development programs he has ever attended and encouraged Councilmembers and Department Heads to consider attending if they have not already done so.
- Concrete projects are under way.
- At Mr. Kerby's request, Public Works Director Jim Hatheway reported that it is hoped the 1600 Road traffic signal will be functioning by the end of next week.
- The roofing projects are underway. The contractor is currently working on the ML&P building.
- Assistant Utilities Director Steve Glammeyer placed an order for 10,000 light bulbs last week for the CFL project. The City has contracted with ACE Hardware locally to provide the light bulbs. Letters will be going out next week to the City's residential electric customers offering them the opportunity to pick up the bulbs at City Hall beginning November 1.
- Concerning the River Diffuser Project, fifteen contractors participated in the walk through. Bids are due October 26, 2010.
- The Parks Department is preparing the flower beds for winter.
- At Mr. Kerby's request, Utilities Director Fay Mathews reported that Fall Cleanup is scheduled to begin October 25. This year, we are not splitting the areas to be picked up; instead, everyone is asked to have their items out by the 25<sup>th</sup>.

## **Regular Meeting, Delta City Council, October 19, 2010 (Cont.)**

### **City Manager Comments (Cont.)**

- The City Manager reminded Council that he and Director Hatheway will be making a presentation on October 27 to the Gunnison Valley Transportation Planning Region to solicit the Region's support for obtaining CDOT funding for portions of the truck route project, including access to Highway 50 and Highway 348.
- On November 1 and 2, the Community Revitalization Partnership will conduct a downtown assessment at Westminster Hall.
- On October 26, City representatives will meet with County Juvenile Diversion Program representatives to discuss Council's concerns about continuing to provide funding for the program.
- The City Manager will also attend the upcoming Painted Sky annual board meeting.
- There will be a public hearing concerning medical marijuana at Westminster Hall at 6:30 p.m. on Oct. 26, 2010.

### **Councilmember Comments**

Mayor Cooper reported on the recent Friday Night Block Party at the Recreation Center.

### **Executive Session**

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Jurca to convene an executive session for the purpose of determining positions relative to matters that may be subject to negotiations, developing strategy for negotiations, and/or instructing negotiators, under CRS Section 24-6-402(4)(e); or more specifically for discussions regarding property acquisition for Delta's new truck route. All in favor, motion carried.

The Regular Meeting was recessed at 7:40 p.m., and the Executive Session was immediately convened.

At 9:18 p.m. the Mayor reconvened the Regular Meeting and announced that the Executive Session had been concluded. She stated that in addition to herself, the participants in the Executive Session were Councilmembers Bill Seuell, Guy Pfalzgraff, Robert Jurca, Ed Sisson, City Manager Joe Kerby, City Attorney Mike Schottelkotte and Brad Rosenberg. For the record, the Mayor asked any person who participated in the Executive Session who believed that any substantial discussion of any matters not included in the motion to go into the Executive Session occurred during the Executive Session in violation of the Open Meetings Law, to state his concerns for the record. No concerns were stated.

### **Truck Route Property Acquisition Policies**

It was moved by Councilmember Pfalzgraff and seconded by Councilmember Sisson to table the truck route property acquisition policy until the next regular meeting on November 2, 2010. All in favor, motion carried.

The meeting was adjourned at 9:20 p.m.

---

Jolene E. Nelson, City Clerk